

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: :
 :
MATTER OF CERTAIN CLAIMS AND :
NOTICING AGENTS' RECEIPT OF FEES IN : Misc. Pro. No. 22-00401(MG)
CONNECTION WITH UNAUTHORIZED :
ARRANGEMENTS WITH XCLAIM INC. :
 :
-----X

**ORDER TO SHOW CAUSE WHY THE XCLAIM ACCOUNTHOLDERS SHOULD NOT
BE SANCTIONED FOR PUBLICLY FILING PERSONALLY IDENTIFIABLE
INFORMATION OF FEDERAL JUDGES AND OTHER GOVERNMENT OFFICIALS**

WHEREAS, Ryan Vollenhals and Matthew D. Sedigh, both representatives of Xclaim Inc. (together, the "Xclaim Accountholders"), each executed a Limited User E-Filing Agreement (each, an "E-Filing Agreement") on February 5, 2021 and February 22, 2021, respectively, to allow limited access to electronically file certain types of documents in this Court.

WHEREAS, the E-Filing Agreements state that the Xclaim Accountholders would have "limited access to the ECF System for the purpose of filing electronically certain claims-related documents and/or affidavits of service." (E-Filing Agreement ¶ 1).

WHEREAS, by signing the E-Filing Agreement, each Xclaim Accountholder acknowledged that he "**under[stood] that the Clerk's office has the right to terminate my e-filing access at any time in the event of any misuse of the account, or for any other reason.**" (*Id.* ¶ 8) (emphasis in original).

WHEREAS, the Court commenced the above-captioned miscellaneous proceeding by order dated August 25, 2022 ("August 25 Order"). (ECF No. 1).

WHEREAS, the August 25 Order required the Approved Claims Agents (as defined in the August 25 Order) to publicly file certain disclosures on the docket of this miscellaneous proceeding.

WHEREAS, Xclaim is not an Approved Claims Agent, but nonetheless, publicly filed a letter on September 22, 2022 (the "Xclaim Submission").

WHEREAS, the Xclaim Submission was signed by Mr. Sedigh and filed by Mr. Vollenhals.

WHEREAS, certain exhibits to the Xclaim Submission included non-public personally identifiable information of multiple federal judges, high-ranking officers of the Administrative Office of the U.S. Courts, high-ranking officers of the Department of Justice, as well as court personnel.

WHEREAS, upon review of the Xclaim Submission and the security risks posed thereby, the Clerk of Court blocked public access to the document.

NOW, THEREFORE, IT IS ORDERED that the Xclaim Accountholders must show cause before the Honorable Martin Glenn, Chief United States Bankruptcy Judge for the Southern District of New York, why they should not be sanctioned for publicly disclosing the non-public personally identifiable information of multiple federal judges, high-ranking officers of the Administrative Office of the U.S. Courts, high-ranking officers of the Department of Justice, and court personnel.

IT IS FURTHER ORDERED that the hearing on this Order to Show Cause (“Hearing”) will be held *in person* on Thursday, October 20, 2022, at 3:00 p.m. in courtroom 523 of the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, NY 10004.

IT IS FURTHER ORDERED that both Ryan Vollenhals and Matthew D. Sedigh shall be present *in person* at the Hearing.

IT IS FURTHER ORDERED that the Xclaim Accountholders shall file a written response to this Order to Show Cause on or before 5:00 p.m., October 6, 2022. The United States Trustee may file a response to this Order to Show Cause or the response filed by Xclaim Accountholders on or before 5:00 p.m., October 13, 2022. No further filings may be filed by the Xclaim Accountholders.

IT IS FURTHER ORDERED that all persons wishing to attend the Hearing must (i) be fully vaccinated against COVID-19 as defined by the Center for Disease Control and Prevention and provide proof of vaccination status when they arrive at the courthouse, and (ii) wear a mask while in the courtroom that covers the person’s nose and mouth unless speaking at the podium or otherwise instructed by court personnel. Persons who are not fully vaccinated but wish to participate in the Hearing should contact chambers for accommodations.

IT IS FURTHER ORDERED that all persons making a formal appearance at the Hearing should register such appearance at least one business day prior to the Hearing using the eCourt Appearance tool (<https://www.nysb.uscourts.gov/ecourt-appearances>).

IT IS FURTHER ORDERED that the Court shall retain jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order to Show Cause.

Dated: September 23, 2022
New York, NY

Martin Glenn
MARTIN GLENN
Chief United States Bankruptcy Judge

In re:
MATTER OF CERTAIN CLAIMS AND NOTICING AG
Debtor

Case No. 22-00401-mg
Chapter

CERTIFICATE OF NOTICE

District/off: 0208-1
Date Rcvd: Sep 23, 2022

User: admin
Form ID: pdf001

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 25, 2022:

Recip ID	Recipient Name and Address
intp	+ XCLAIM Inc., Xclaim Inc., 2261 Market Street #4385, San Francisco, CA 94114-1612

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 25, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 23, 2022 at the address(es) listed below:

Name	Email Address
Elizabeth B. Vandesteeg	on behalf of Interested Party Epiq Corporate Restructuring LLC evandesteeg@lplegal.com, nbailey@lplegal.com,ikropiewnicka@lplegal.com,bdroca@lplegal.com
Ilana Volkov	on behalf of Interested Party Logan & Company Inc. ivolkov@mcgrailbensinger.com, ivolkov@mcgrailbensinger.com
John R O'Connor	on behalf of Interested Party Epiq Corporate Restructuring LLC joconnor@lplegal.com, ikropiewnicka@lplegal.com;bdroca@lplegal.com;nbailey@lplegal.com
Steven P Ordaz	on behalf of Interested Party BMC Group Inc sordaz@bmcgroup.com
United States Trustee	USTPRegion02.NYECF@USDOJ.GOV

District/off: 0208-1

User: admin

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Date Rcvd: Sep 23, 2022

Form ID: pdf001

Total Noticed: 1

TOTAL: 5